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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,794

01/18/2002

Leif Skaar

1300-458

9577

7590

06/21/2004

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/050,794

**Applicant(s)**

SKAAR, LEIF

**Examiner**

Andrew L. Sniezek

**Art Unit**

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement filed 11/08/02 has been considered.

### *Drawings*

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 7/10/02 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 6-9, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Koizumi.

Koizumi teaches a media used in a tape drive (figure 1) that contains an identification window (36) that has a segment (39) having an electromagnetic transmissiveness that varies in a manner to provide a predetermined media or cartridge signature of the media (column 9, lines 24 – 67) satisfying the limitations of claim 1. Re limitations of claims 2 and 3: see figure 3 along

with corresponding disclosure. Re limitations of claim 4: as shown in figure 1, tape member (6) has a recording area transduced in helical stripes. Claim 6 sets forth a drive including a transducing element, a media transport and a processor that are used in conjunction with a media as already discussed with respect to claim 1. Column 5, lines 55-67 teaches driving a media in a recording and reproducing apparatus which must inherently include a transducing element as claimed. The claimed processor is also deemed inherent to process the output waveforms as depicted in figures 4 and 5. The limitations of claims 7, 8, 9 correspond to already discussed claims 2, 3 and 4 respectively. The method limitations as set forth in claims 12 and 13 are deemed to amount to the operation of the apparatus as discussed in claims 6-9 and are deemed satisfied by the operation of the arrangement as taught by Koizumi. Claim 14 additionally sets forth the generation of a signal which is deemed satisfied by the signals generated in figures 4 and 5.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi in view of Siddiq.

The teaching of Koizumi is discussed above and incorporated herein. Claims 5 and 10 further set forth a cleaning segment used for cleaning a head. Although not taught by Koizumi, such a feature is well known in the art as taught by Siddiq (figures 1-5) to clean a head (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a cleaning area as taught by Siddiq in the arrangement as taught by Koizumi for the same purpose of cleaning a head of the recording/reproducing apparatus.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi in view of Georgis et al. (4,843,495).

The specifics of Koizumi et al. have been discussed above and incorporated herein. Claim 11 additionally sets forth that a helical scan drive, which although it appears that such drive is used in Koizumi, no specific mention of such drive is provided. Georgis et al. teaches that helical scan drives are well known in the art, see Title, as providing one way of recording information on a tape. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a drive in the arrangement of Koizumi to read the helical stripes as shown by Koizumi.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi in view of Morita

The specifics of Koizumi are discussed above and incorporated herein. Claim 15 additionally sets forth comparing values of a signal to those stored to determine cartridge or media signature. Although a comparison is not specifically taught by Koizumi, a similar arrangement as taught by Morita uses a table and comparison to determine tape signature, as shown by figure 4b, 4c and corresponding disclosure. It would have been obvious to one of ordinary skill in the art to incorporate such a teaching in the varying transmissiveness arrangement as taught by Koizumi so that distinctions between different media or cartridges is made.

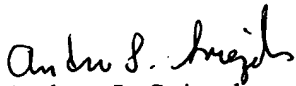
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stamm et al. teaches a variety of ways to determine tape formats (figures 6-11).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
June 19, 2004